

PROB. 12B
(7/93)

ORIGINAL

United States District Court

for the

DISTRICT OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 21 2005

at 10 o'clock and 48 min. M
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: KA'AINOA RAVEY

Case Number: CR 00-00147DAE-02

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra
U.S. District Judge

Date of Original Sentence: 6/18/2001

Original Offense: Conspiracy to Possess With Intent to Distribute in Excess of
50 Grams of Methamphetamine, in violation of 21 U.S.C. § 846, a
Class A felony

Original Sentence: Sixty-five (65) months imprisonment , to be followed by five (5)
years supervised release, with the following special conditions:
1) That the defendant is prohibited from possessing any illegal or
dangerous weapons; 2) That the defendant provide the Probation
Office access to any requested financial information; and 3) That
the defendant participate in a substance abuse program, which
must include drug testing for the first two years and at the
discretion and direction of the Probation Office for the remaining
three years of his supervised release.

Type of Supervision: Supervised Release Date Supervision Commenced: 2/20/2004

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

General Condition:

That the defendant shall refrain from any unlawful use
of a controlled substance. The defendant shall
submit to one drug test within 15 days of the
commencement of supervision and at least two drug
tests thereafter but no more than eight valid drug
tests per month during the term of supervision
(mandatory condition).

Special Condition No. 3:

That the defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

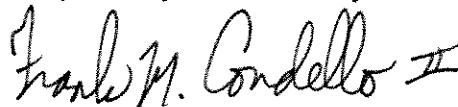
CAUSE

This report serves to request that the subject's conditions of supervised release be amended and updated to allow our office to conduct random drug testing needed to ensure the subject's compliance with the Court's orders. In light of the U.S. vs. Stephens decision, we are requesting that the Court modify the mandatory drug testing condition (General Condition) to allow for additional drug testing. We are also requesting that Special Condition No. 3 be revised to reflect updated language.

The subject's adjustment since the commencement of his supervised release term on 2/20/2004 has been mostly unremarkable. The subject successfully completed substance abuse counseling and drug testing in March 2005. The subject is gainfully employed and as Your Honor may recall, the subject was recently granted permission by the Court to travel to Mexico for work purposes. As a tug boat crew member, the subject is presently with his boat at a shipyard located in Guaymas, Mexico. The subject's boat is being overhauled and he is not expected to return from Mexico until on or about 2/15/2006. Because the subject spends long periods of time at sea, our office would like the authority to drug test the subject at random in order to detect any substance abuse problems that might surface over the remaining years of supervised release.

As noted by his signature on the attached waiver form, the subject maintains no objections to the proposed modifications. The subject's attorney and the U.S. Attorney's Office have been notified of the recommended changes.

Respectfully submitted by,



FRANK M. CONDELLO, II
U.S. Probation Officer

Approved by:

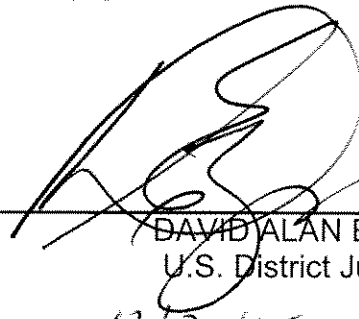


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 12/9/2005

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



DAVID ALAN EZRA
U.S. District Judge
12/20/05

Date

United States District Court

District of Hawaii

Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

[X] To modify the conditions of supervision as follows:

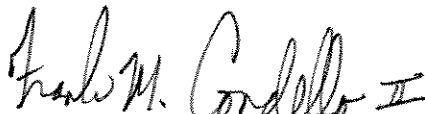
General Condition:

That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision (mandatory condition).

Special Condition No. 3:

That the defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.

Witness:



FRANK M. CONDELLO, II
U.S. Probation Officer

Signed:



KA'AINOA RAVEY
Supervised Releasee

11/21/05

Date